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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Matthew Scarlett, individually and
Derivatively on behalf of Alcohol By
Volume, Inc.

Plaintiff,

vs.

Jonathan White, Cult of 8, Inc., and
Gregory Ahn,

Defendants.

Case No: 5:17-cv-01430-EJD

JOINT STIPULATION AND ~~PROPOSED~~
ORDER

Plaintiff Matthew Scarlett ("Scarlett"), and Defendants Jonathan White ("White"), Cult of 8, Inc. ("CO8"), and Gregory Ahn ("Ahn"), through their undersigned counsel, hereby agree and stipulate as follows:

1 **RECITALS**

2 A. This action, along with the related case, *Gregory Ahn, et al. vs. Matthew D. Scarlett,*
3 *et al.*, Case No: 5:16-cv-05437-EJD (the “Related Action”), involve disputes, *inter alia*, relating to
4 the ownership and operations of two related corporations, CO8 and Alcohol by Volume, Inc.
5 (“ABV”).

6 B. In April 2017, a closing occurred on the sale of one of the wine brands to an unrelated
7 party.

8 C. Because of disputes about the proper allocation of proceeds from the sale transaction,
9 the parties to this action, along with another unaffiliated entity, agreed to arbitrate before JAMS in
10 San Francisco several issues, relating to the proper distribution of the proceeds from the sale of the
11 brand. That arbitration proceeding is currently pending before JAMS as *Fior di Sole, LLC v.*
12 *Scarlett, Matthew, et al.*, JAMS Reference No. 1100087495.

13 D. Proceedings in this matter have previously been continued in light of the pending
14 JAMS arbitration.

15 E. The arbitration hearing is now scheduled for March 19 – 30, 2018.

16 F. The parties believe that resolution of the issues in the arbitration is likely to affect
17 resolution of this matter.

18 G. There is currently pending before this Court in this action and the Related Action an
19 initial case management conference on October 26, 2017 at 10:00 a.m. Certain filings, including the
20 Joint Case Management Statement and related filings are due to be filed in advance of the case
21 management conference.

22 H. The parties believe that it will be efficient and preserve both judicial resources and
23 resources of the parties if the case management conference and current filing deadlines relating to it
24 are continued for a period of 90 days to allow time for the parties to confirm the timing and scope of
25 issues to be determined in the arbitration proceeding and to report back to the Court with a
26 recommendation as to the handling of this action and the Related Action during the pendency of the
27 JAMS arbitration.

28 I. This stipulation in no way affects White’s motion for disqualification of his former

counsel, Greenberg Traurig, which is currently pending before the Court, the subpoena issued to Greenberg Traurig by White, or arguments or positions concerning White's demand for the file from Greenberg Traurig.

STIPULATION

Based upon the above recitals, the parties, through their undersigned counsel, hereby stipulate and request that the Court enter an order as follows:

1. The initial case management conference currently scheduled for October 26, 2017 is continued for a period of 90 days, and the Court shall reschedule the case management conference at a date and time on or after January 24, 2018.

2. All current filing deadlines, specifically including the deadlines for filing of the Joint Case Management Statement, Discovery Plan, and/or Rule 26(f) Report, shall be continued for a period of 90 days.

3. Within 100 days of this Stipulation and Order, the parties shall report to the Court regarding the status of the above-referenced JAMS arbitration and the issues to be determined in it, the impact of that arbitration on this action and the Related Action, and their views as to the appropriate handling of this action and the Related Action during the pendency of the JAMS arbitration.

Dated: October 4, 2017

ANTHONY OSTLUND
BAER & LOUWAGIE P.A.

By: /s/ Randy G. Gullickson

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Attorneys for Plaintiff Matthew D. Scarlett

Dated: October 4, 2017

GREENBERG TRAURIG, LLP

By: /s/ Cindy Hamilton

William J. Goines
Cindy Hamilton
Alice Y. Chu
Attorneys for Defendants Gregory Ahn, and
Cult Of 8, Inc.

1 Dated: October 4, 2017

COZEN O'CONNOR

2 By: /s/ Erik L. Jackson

Erik L. Jackson

3 Attorney for Defendant Jonathan White.

4
5 **ORDER**

6 Based upon the above stipulation of the parties, it is hereby ordered that:

7 1. The initial case management conference currently scheduled for October 26, 2017 is
8 continued for a period of 90 days, and the case management conference is rescheduled to
9 January 11, 2018, ~~2017~~.

10 2. All current filing deadlines, specifically including the deadlines for filing of the Joint
11 Case Management Statement, Discovery Plan, and/or Rule 26(f) Report, shall be continued and reset
12 in accordance with the rescheduled case management conference.

13 3. Within 100 days of this Stipulation and Order, the parties shall report to the Court
14 regarding the status of the above-referenced JAMS arbitration and the issues to be determined in it,
15 the impact of that arbitration on this action and the Related Action, and their views as to the
16 appropriate handling of this action and the Related Action during the pendency of the JAMS
17 arbitration.

18
19 Dated: October 10, 2017

By: 

Edward J. Davila

United States District Judge